



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

SUPERFUND &  
EMERGENCY  
MANAGEMENT DIVISION

MAY 13 2019

Mr. Nathan Small  
Chairman  
Shoshone Bannock Tribes  
P.O. Box 306  
Fort Hall, Idaho 83203

Dear Chairman Small:

The purpose of this letter is to provide notice under Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §122(j), to the Shoshone Bannock Tribes, a federal natural resource trustee, that the U.S. Environmental Protection Agency (EPA) intends to initiate negotiations with the Potentially Responsible Parties (PRPs) for the Ballard Mine Superfund Site (Site) to implement the selected remedy. As you may know, EPA completed a remedial investigation/feasibility study (RI/FS) at the Site and expects to issue a Record of Decision (ROD) in May 2019 documenting the selection of a remedy for the Site. Negotiations will address remedial design and remedial action (RD/RA) for the selected remedy set forth in the ROD.


EPA is required to notify the federal natural resource trustees when a release or threatened release of any hazardous substance is the subject of negotiations under CERCLA Section 122 and may have resulted in damages to natural resources. The Shoshone Bannock Tribes act as trustee for natural resources as set forth in 40 C.F.R. § 300.600.

EPA expects to initiate special notice procedures under CERCLA Section 122(e) in order to commence negotiations with the PRPs this spring. Negotiations, if successful, will result in a consent decree for remedial design and remedial action, which will be filed in federal district court by the U.S. Department of Justice.

If you have determined that the Shoshone Bannock Tribes are prepared to resolve any natural resource damage claims within the time frame for EPA's consent decree negotiations addressing remedial design and remedial action at the Site, please notify EPA by May 25, 2019. Please be aware that if the natural resource trustees do not participate, the United States will reserve in the consent decree all rights against the Settling Defendants with respect to liability for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments.

Please have the appropriate staff contact Dave Tomten, Remedial Project Manager, at (208) 378-5763, or Nick Vidargas, Assistant Regional Counsel, at (206) 553-1460. Thank you for your attention to this matter.

Sincerely,

  
Sheryl Bilbrey  
Director

**cc: Bill Bacon, Lead General Counsel, Shoshone Bannock Tribes  
Kelly Wright, Shoshone Bannock Tribes (electronically)  
Shannon Ansley, Shoshone Bannock Tribes (electronically)**